

## REMARKS

The Office Action Restriction Requirement of June 21, 2006 has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action.

### I. STATUS OF THE CLAIMS

Claims 1-33 are pending in the application.

Claims 1-4, 6-14, 16-18 and 29 have been elected with traverse.

Claims 5, 15, 19-28, and 30-33 have been withdrawn. Applicants reserve the right to claim the subject matter of claims 5, 15, 19-28, and 30-33 in a divisional application, and to re-present claims 5, 15, and 19, as well as to include non-elected species from the provisionally elected claims, should generic claim 1 be allowed.

Claims 8, 9, 11, 13, 16, and 29 have been amended in response to the restriction requirement. No new matter has been added. Support for the claim amendments can be found in Applicants' Specification, paragraph 52 and FIG. 3A.

### II. ELECTION OF CLAIMS WITH TRAVERSE

The Office Action states that restriction to one of the following inventions is required:

Group I: The Office Action states that claims 1-19 and 29 are drawn to microbead system for bioassay, classified in class 524, subclass 17, for example.

Group II: The Office Action states that claims 20-28, 32, and 33 are drawn to a method for fabricating and identifying at least one polymeric microbead, classified in class 436, subclass 531, for example.

Group III: The Office Action states that claims 30 and 31 are drawn to a reader for identifying at least one microbead, classified in class 422, subclass 82.05, for example.

Applicants elect for examination, with traverse, Claims 1-4, 6-14, 16-18, and 29 of Group I drawn to microbead system for bioassay.

### III. ELECTION OF SPECIES UNDER GROUP I

Applicants have elected claims 1-4, 6-14, 16-18, and 29 of Group I, and elected species as below.

On page 4, in paragraph 9, the Office Action states that if Group I is elected, Applicants are required to elect species from several lists in the Office Action. Applicants elect species as follows:

1. List I: Polymeric material (claim 2): Applicants have provisionally elected thermoplastics.
2. List II: Layer of material on or within the polymeric material (claims 4 and 5): Applicants have provisionally elected dielectric materials (claim 4). Claim 5 has been withdrawn without prejudice.
3. List III: Pattern (claims 7-16): Applicants have provisionally elected symmetrical pattern (claim 7). Claim 15 has been withdrawn without prejudice. Claims 8, 9, 11, 13, and 16 have been amended to depend from claim 7 because those claims, and the claims that depend from them, claims 10, 12, and 14, further modify Applicants' provisionally elected pattern, a symmetrical pattern. Applicants have further provisionally elected a surface shape of circles from the list in claim 14 in anticipation of a restriction requirement for this list.
4. List IV: Color (claim 14): Applicants have provisionally elected color dyes.
5. List V: One portion (claims 17 and 19): Applicants have provisionally elected the surface opposing a first patterned surface; and a second embossed polymeric material having a second inner surface opposing a second patterned surface, wherein said first inner surface forms a bond with said second inner surface (claim 17). Applicants have withdrawn claim 19 without prejudice.

Applicants have herein requested a one-month extension of time, and authorize the Commissioner for Patents to charge the fee for a one-month extension of time for a large entity or credit overpayment, if any, to Deposit Account No. 50-1078.

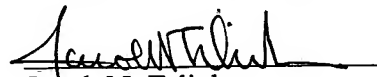
The following information is presented in the event that a call may be deemed desirable by the Examiner:

JACOB N. ERLICH (617) 345-3000.

Respectfully submitted,  
Daniel B. Roitman et al., Applicants

Date: August 21, 2006

By:

  
Jacob N. Erlich  
Reg. No. 24,338  
Attorney for Applicants